

## NATURAL RESOURCES DEPARTMENT[561]

## Adopted and Filed

Pursuant to the authority of Iowa Code sections 455A.4 and 483A.24, the Department of Natural Resources hereby amends Chapter 12, “Special Nonresident Deer and Turkey Licenses,” Iowa Administrative Code.

Chapter 12 establishes the process by which the Department issues special nonresident hunting licenses to individuals as part of a statewide or local effort to promote the state and its natural resources. The Department is amending Chapter 12 to provide nonresident disabled active members or veterans of the armed forces the opportunity to buy hunting licenses in Iowa at resident prices. Iowa Code section 483A.24, subsections 3, 4 and 5, were revised in 2013 to allow 25 of the 75 special nonresident deer hunting licenses, 25 of the 75 special nonresident turkey hunting licenses and an unlimited number of small-game hunting licenses to be allocated to qualified nonresident disabled active members or veterans of the armed forces who participate in hunts conducted by organizations that provide hunting experiences for the severely wounded. These nonresident hunting licenses are sold at resident prices. Guidelines for the application process are outlined in these amendments.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 2, 2015, as **ARC 2132C**. The Department held a public hearing on September 22, 2015. No one attended the meeting, and only two comments were received during the comment period. Both commenters were against limiting approved organizations to nonprofits. The commenters believe veterans should have the ability to choose an outfitter, whether it is a nonprofit or for-profit company. The nonprofit structure was the result of three pre-rule-making stakeholder meetings and public comment that resulted in the initiation of the Notice of Intended Action. The Department is not altering that framework. No changes have been made to the amendments published under Notice.

These amendments are intended to implement Iowa Code section 483A.24(5).

These amendments will become effective March 9, 2016.

The following amendments are adopted.

ITEM 1. Adopt the following new definitions in rule **561—12.2(483A)**:

*“Approved organization”* means an organization that is incorporated under Iowa Code chapter 504 as a nonprofit organization, whose mission involves providing hunting experiences for disabled veterans and military personnel, and that is listed on the IRS exempt organizations list or provides a copy of an IRS determination letter for 501(c) tax-exempt status.

*“Nonresident disabled veteran or disabled member of the armed forces”* means a person who is a veteran and who has an assigned service-related disability rating of 30 percent or more under United States Code, Title 38, Chapter 11; or a person who is a member of the armed forces serving on active federal duty currently participating in the Integrated Disability Evaluation System (IDES).

ITEM 2. Amend rule **561—12.2(483A)**, definition of “Sponsor,” as follows:

*“Sponsor”* means an entity that applies on behalf of one or more hunters. Sponsors shall either conduct business in Iowa and be registered with the secretary of state or have some other affiliation with the state of Iowa.

ITEM 3. Amend rule **561—12.3(483A)** as follows:

**561—12.3(483A) Availability of special licenses.** The program shall be available to provide no more than the number of special licenses allowed by Iowa Code section 483A.24 to nonresidents through requests submitted by individual hunters, ~~or through a sponsor,~~ or through an approved organization. ~~Sponsors may be located in the state of Iowa.~~

ITEM 4. Amend subrule 12.4(2) as follows:

**12.4(2)** Develop templates for requests for special licenses and provide the templates to hunters, ~~and sponsors,~~ and approved organizations upon request.

ITEM 5. Amend subrule 12.4(6) as follows:

**12.4(6)** Establish the date on which applications for special licenses for disabled veterans and disabled active military personnel are due, establish the dates on which the legislative committee will select the conservation organizations and hunters who will receive special licenses, and inform the conservation organizations, the approved organizations and the hunters of their selection.

ITEM 6. Amend rule 561—12.5(483A), catchwords, as follows:

**561—12.5(483A) Request, review, and selection process for promotional special licenses.**

ITEM 7. Amend rule 561—12.6(483A), catchwords, as follows:

**561—12.6(483A) Consideration of requests for promotional special licenses.**

ITEM 8. Amend rule 561—12.7(483A), catchwords, as follows:

**561—12.7(483A) Ranking criteria for promotional special licenses.**

ITEM 9. Amend rule 561—12.8(483A), catchwords, as follows:

**561—12.8(483A) Services provided by recipients of promotional special licenses.**

ITEM 10. Amend rule 561—12.9(483A), catchwords, as follows:

**561—12.9(483A) License term for promotional special licenses.**

ITEM 11. Amend rule 561—12.10(483A), catchwords, as follows:

**561—12.10(483A) Reporting by recipients of promotional special licenses.**

ITEM 12. Amend rule 561—12.11(483A), catchwords, as follows:

**561—12.11(483A) Prohibitions for promotional special licenses.**

ITEM 13. Amend rule 561—12.12(483A), catchwords, as follows:

**561—12.12(483A) License costs for promotional special licenses.**

ITEM 14. Amend rule 561—12.13(483A), catchwords, as follows:

**561—12.13(483A) Hunter safety requirements for holders of promotional special licenses.**

ITEM 15. Adopt the following new rules 561—12.14(483A) to 561—12.18(483A):

**561—12.14(483A) Request, review, and selection processes for special licenses for nonresident disabled veterans or disabled members of the armed forces.**

**12.14(1) *Submission of requests.***

*a.* Individual hunters or approved organizations shall submit a request, or requests, to the coordinator.

(1) A request for a deer license must be on the form provided by the department and shall be submitted to the coordinator by August 1 prior to the season to be hunted.

(2) A request for a turkey license must be on the form provided by the department and shall be submitted to the coordinator at least 14 days prior to the season to be hunted.

(3) A request for a regular hunting license that includes the habitat fee must be on the form provided by the department and shall be submitted to the coordinator prior to the seasons to be hunted.

*b.* Applicants will not qualify for a deer or turkey license under this rule if they were issued a deer or turkey license under this rule the previous year. However, if there are unclaimed deer or turkey licenses under this rule, then the coordinator may keep a list of applicants who received licenses the previous year and who apply for the current year, and process those applicants' applications through an electronic, unbiased lottery system to determine the recipients of the unclaimed licenses.

c. Hunters awarded a deer license under this rule may purchase preference points for the regular nonresident deer license and shall not lose those preference points when awarded a deer license under this rule.

**12.14(2) Review.** After the established deadlines have passed, the coordinator shall review the applications for completeness and shall process the complete applications through an electronic, unbiased lottery system to determine the recipients of the special licenses. The coordinator shall exercise discretion and shall also consider the following:

a. Requests from an approved organization or hunter that has been found guilty of a game violation in Iowa or elsewhere shall not be considered for a special license.

b. If special licenses are unclaimed after the established deadlines, the coordinator may set new deadlines and inform participating approved organizations that licenses are still available. Applications shall be processed through an electronic, unbiased lottery system to determine the recipients.

**12.14(3) Selection and payment.** Upon notice of selection to receive a special license, the approved organization or hunter shall make payment in accordance with rule 561—12.17(483A) to the department through the coordinator. Payment must be made prior to the hunting season for which the license is valid.

**561—12.15(483A) License term for disabled veteran and military special licenses.** Special deer or turkey licenses issued under these rules shall be valid for only the applicable deer or turkey season immediately following allocation of the license.

**561—12.16(483A) Prohibitions for disabled veteran and military special licenses.** Photographs, videotapes or any other form of media resulting from the special licenses issued pursuant to this chapter shall not be used for political campaign purposes.

**561—12.17(483A) License costs for disabled veteran and military special licenses.** A nonresident who obtains a special license issued pursuant to this chapter shall pay the applicable fee as follows:

**12.17(1)** For a special nonresident deer hunting antlered or any sex deer license or a turkey hunting license, the fee described in Iowa Code section 483A.24(5) “c.”

**12.17(2)** For a special nonresident hunting license that includes the wildlife habitat fee, the fee described in Iowa Code section 483A.24(5) “d.”

**561—12.18(483A) Hunter safety requirements for disabled veterans and military hunters.** As provided in Iowa Code section 483A.24(5), a hunter education certificate is required for holders of special disabled veteran and military licenses issued pursuant to this chapter.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/3/16.